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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,550	06/04/2001	Tony Kroeker	AMAT/2640.C1/ATD/BG	6635

7590 03/11/2002  
Patent Counsel  
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EXAMINER

WERNER, FRANK E

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/874550

Applicant(s)

Tony Kroeker

Examiner

F. E. Kerner

Group Art Unit

3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on June 4, 2001
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 46-64 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 46-64 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☒ The drawing(s) filed on 6-4-01 is/are objected to by the Examiner are approved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ ~~Notice of Informal Patent Application, PTO-152~~
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 46-64 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 53 and similar claims of copending Application No. 09/161,970. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to have formed the system as claimed depending upon its intended utility.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 46-64 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Re at least base claims 46 and 56, it is not understood

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as to what the pod loader is structurally comprised of, how it structurally functions and where it is structurally located relative to the other claim elements. See also 37 CFR 1.83(a)

Further, it is not understood what the mini-environment is structurally comprised of and located.

5. Claims 46-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claims 46 and 56, it is not understood what the pod loader is structurally comprised of and structurally located; further, it is not understood what the mini-environment is structurally comprised of-is the pressure therein atmospheric, reduced or what; moreover, no robot structure in the mini-environment and no transfer robot structure (re claim 56) in the load lock has been set forth; furthermore, no gate means has been set forth between the load lock and the process chamber; also, no structure (walls, floor, etc.) has been set forth to define the process chamber; lastly, improper alternate claiming is present re the load lock and process chambers in claims 47 and 56, it is not understood what function is served by the lid. Re claim 49, it is not understood what "linear configuration" (line 2) refers to. Re claims 51 and 59, it is not understood how a cover can define an opening when a cover, by definition, covers an opening. Re claim 60, it is not understood what the transfer assembly is structurally comprised of. Re claim 55 and 57, it is not understood where the aperture is structurally located and

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what function is carried out by the same. Re claims 50, 60 and 61, it is not understood what function is served by the pins (50 and 61) and the transfer assembly (claim 60).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 46-49, 54-60 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maydan et al (,393) in view of Asakawa et al (,856), each reference cited by Applicant.

Maydan et al disclose a load lock 14 having a transfer robot 80 therein; pod loader 24, etc., connected to the load lock via opening 36 closed by valve 38; process chambers 16-22 connected to the load lock via rectangular openings 36 closed by hermetic valves 38; vacuum pump 112, etc.; and that the load lock has an unnumbered lid (cover) thereon, but do not disclose a robot in its mini-environment which is disclosed by Asakawa et al (40, 41, 18, etc.) and in view of the latter, it would have been obvious to have included a robot to facilitate pod movement as taught by Asakawa et al. Re claims 47-49 and 60, it would have been obvious to have conventionally formed the central portion (as claimed in claims 48 and 55), to have conventionally formed the process chamber (as claimed in claim 49) and to have included a conventional transfer assembly (as claimed in claim 60).

8. Claims 50, 51, 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maydan et al (,393) in view of Asakawa et al (,856) as applied to

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claims 46-49, 54-60 and 63 above, and further in view of Ohtani et al (,054)-cited by Applicant)

It would have been obvious to have substituted pin lifters (as claimed) as taught by Ohtani et al.


9. Claims 52, 53 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maydan et al (,393) in view of Asakawa et al (,856) and Ohtani et al (,054) as applied to claims 50, 51, 61 and 62 above, and further in view of Brancher (,301).

If it is to be inferred that the lid is movable, this is rendered obvious by Brancher (28). Moreover, the inclusion of a conventional stabilizing rod and a sealable bellows to minimize contamination would have been obvious (claims 52, 53 and 64).

Any inquiry concerning this communication should be directed to F. E. Werner at telephone number 703-308-1140.

Werner/cw  
March 1, 2002

Summary:  
Claims 46-64 are rejected.  
Rejection – SSP 3 mos.

  
FRANK E. WERNER  
PRIMARY EXAMINER 3/02  
GROUP 2403 3652